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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/366,941    08/04/99    STUDEBAKER

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IM22/0913

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EXAMINER
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TILL, T

ART UNIT	PAPER NUMBER
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1744

*Handwritten number 3*

DATE MAILED: 09/13/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/366,941

Applicant(s)  
Studebaker

Examiner  
Terrence R. Till

Group Art Unit  
1744



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Aug 4, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1744

***Oath/Declaration***

Applicant's recitation of disclosing information "material to examination" is not an acceptable equivalent. 37 C.F.R. 1.63(b(3)) states (other sections left out for clarity):

"(b) In addition to meeting the requirements of paragraph (a), the oath or declaration must (emphasis added) state that the person making the oath or declaration:

(3) Acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56."

However, this requirement has been **WAIVED**.

***Drawings***

The drawings are objected to because the letters "x" and "y" should be removed from figures 9 and 10. Also, applicant should remove the text from figures 5, 9 and 10. Correction is required.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The downwardly open narrow slot is in substantially the same plane as the bottom surface of the envelope is not recited in the specification.

Art Unit: 1744

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, "the main body" lacks antecedent basis. With respect to claim 2, "the fluid sources" lacks antecedent basis as only one fluid source was previously mentioned. Also, in claim 2, what "means defines a substantially enclosed area of the floor", the interconnecting means, envelope means or supply means? With respect to claim 3, did applicant mean to say "tabular" or tubular. It will be assumed applicant intended to say tubular. With respect to claim 5, it is not seen how the downwardly open narrow slot is in substantially the same plane as the bottom surface of the envelope. Also "envelope" should be --envelope means--.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1744

Claims 1, 2, 5 and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Baldwin.

The patent to Baldwin discloses all the recited subject matter including a lower surface contact area defined by a rectangular lip (figures 1-3) defined by the main body, or envelope means, "a" of the head, outlining the limits of operation of the tool as it is guided over the floor. Baldwin also discloses fluid applying means, or interior supplying means, "h", "i", "k" located within the confines of the lip and configured such that the cleaning fluid is applied to the surface. Baldwin additionally discloses a means to connect "g" the cleaning head to a source of vacuum and a means to connect the cleaning head to a source of cleaning fluid "s". It should be noted that the term "fluid" encompasses both liquid and gas and, as a gas, the cleaning fluid of Baldwin is considered to be applied to the surface as a continuous film, as the gas is evenly distributed throughout the fluid applying means.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Moorhead.

The patent to Moorhead discloses all the recited subject matter including a lower surface contact area defined by a rectangular lip (figures 1-3) defined by the main body, or envelope means, 1 of the head, outlining the limits of operation of the tool as it is guided over the floor. Moorhead also discloses a tubular fluid applying means, or interior supplying means, 4-7 located within the confines of the lip and configured such that the cleaning fluid is applied to the surface. The fluid applying means also having an elongated slot 6 in its lower surface at an acute angle to the plane formed by the lower surface and being substantially in the same plane as the bottom

Art Unit: 1744

surface of the envelope and having an inwardly projecting foot (figure 3). Moorhead additionally discloses a means to connect 12 the cleaning head to a source of vacuum and a means to connect the cleaning head to a source of cleaning fluid 2. It should be noted that the term "fluid" encompasses both liquid and gas and, as a gas, the cleaning fluid of Baldwin is considered to be applied to the surface as a continuous film, as the gas is evenly distributed throughout the fluid applying means.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The patents to Brycki, Payeur, Grave, Gwyther, Green et al. and German patent to Brazier shows the current state of the art in fluid delivery systems for vacuums.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Till whose telephone number is (703) 308-1592.

Art Unit: 1744

Any inquiry of a general nature concerning the status of this application should be directed to the receptionist of Technology Center 2 whose telephone number is (703) 308-0661.

Any responses made by facsimile should be addressed to T. Till at (703) 305-3599.

  
**TERRENCE R. TILL**  
**PRIMARY EXAMINER**  
**ART UNIT 1744**

trt  
September 9, 2000